

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NATIONAL ASSOCIATION OF
REALTORS®, a Not-For-Profit
Corporation,

Plaintiff,

vs.

ROBERT B. LOWE and LOWE
INSURANCE AND REAL ESTATE
AGENCY,

Defendants.

4:04CV3163

**MEMORANDUM
AND ORDER**

On October 25, 2004, this court entered default judgment in favor of the plaintiff and against the defendants, providing that “the defendants and their employees, officers, agents, servants, and assigns are enjoined from using the trademarks REALTOR® and/or REALTORS® and/or REALTOR® Block R Logo pursuant to 15 U.S.C. § 1116.” (Filing 15.)

The plaintiff has filed a motion for contempt of court, sanctions, and attorneys’ fees (filing 16) requesting that I hold the defendants in civil contempt of court because defendant Robert Lowe is “now displaying the Realtor signage again and representing himself to the public-at-large as a ‘Realtor.’” In support of its motion, the plaintiff has filed an index of evidence (filing 18) containing three affidavits and a photograph purporting to establish that defendant Robert Lowe has referred to himself on local television as a “Realtor” and has displayed a sign on the front window of his business which advertises to the public that he is a “Realtor.”

I shall set the plaintiff’s motion for hearing, at which time the parties shall show, by affidavit or otherwise, whether the defendants should be held in civil contempt of court for violation of a court order; if so, whether the defendants should

be subject to sanctions; and whether Plaintiff's counsel is entitled to attorneys' fees related to the filing of this motion.

IT IS ORDERED:

1. Plaintiff's Motion for Contempt of Court and Request for Sanctions and Attorneys' Fees (filing 16) is set for hearing on Tuesday, June 20, 2006, from 12:30 to 1:30 p.m. in Courtroom Number 1, 5th Floor, United States Courthouse, 100 Centennial Mall North, Lincoln, Nebraska;
2. The absence of Defendants or counsel for Defendants from the above-referenced hearing on Plaintiff's Motion for Contempt of Court and Request for Sanctions and Attorneys' Fees may result in finding the defendants in civil contempt and may subject them to a fine or other appropriate sanction, as well as attorneys' fees;
3. Plaintiff's Motion for Contempt of Court and Request for Sanctions and Attorneys' Fees (filing 16) is held in abeyance until completion of the hearing on such motion;
4. The Clerk of Court shall adjust the court's computerized internal record-keeping system to indicate that the "response due" date on Filing 16 is June 20, 2006; and
5. The Clerk of the Court shall mail a copy of this memorandum and order to the last-known address of the defendants. In addition, counsel for the plaintiff shall serve a copy of this memorandum and order on the defendants by Federal Express, U.S. Postal Express, UPS, or other specialty service. Counsel for the plaintiffs shall thereafter file proof of service.

June 1, 2006.

BY THE COURT:

s/ *Richard G. Kopf*

United States District Judge